YK.1.56
A 2

ACTIVITY REPORT
ON THE ADMINISTRATION
OF THE
ACCESS TO INFORMATION AND
PROTECTION OF PRIVACY (ATIPP) ACT

for the period

April 1, 2007 to March 31, 2008

Yukon

Highways and Public Works

TABLE OF CONTENTS

INTRODUCTION 3
Purpose of the *ATIPP Act* 3

ADMINISTRATION OF THE *ACT* 4
Application of the *Act* 4
Your Access Rights under the *ATIPP Act* 4
Information on Fees Paid 4
What is the role of the ATIPP Office? 4
National Initiatives 5
Training and Resources 5

STATISTICS ON ACCESS TO INFORMATION 6
General Comments on Reporting 6
Number of Requests Made to the Government of Yukon 6
Correction of Personal Information 8
Completed Requests 11
Response Times 11
Access Decisions 13
Why Information was Refused or Partly Granted 13
Fees 14

APPENDIX 1: ATIPP Departmental Coordinators Contact List 15

INTRODUCTION

Purpose of the *ATIPP Act*

The *Access to Information and Protection of Privacy Act (ATIPP Act)* has been in place since 1996. This *Act* has two primary purposes:

1. **Access to Information**

   Making public bodies more open and accountable by providing the public with a legislated right of access to government records, and

2. **Protection of Privacy**

   Protecting your right to personal privacy by prohibiting the unauthorized collection, use or disclosure of your personal information by public bodies.

Government agencies have an obligation to ensure the protection of your personal privacy by putting into place safeguards for managing your personal information. At the same time, the *Act* requires that they develop policies and procedures for ensuring that program information in their custody or control is available to the public with limited exceptions.

ADMINISTRATION OF THE *ACT*

Application of the *Act*

The *Act* applies to all records held by all Yukon government departments as well as boards, commissions, foundations, corporations or other similar agencies that are deemed to be agents of the Government of Yukon. Under the *Act* and in this report, these are referred to as "public bodies".

Your Access Rights under the *ATIPP Act*

The *ATIPP Act* provides you with the right to request access to program information as well as your personal information that is held by "public bodies". You also have the right to request that your personal information be corrected, if you feel that the personal information held by the Yukon government is factually incorrect. Even if a public body does not agree with your request for correction, it will add a note to file that indicates your request for correction.

The formal process for requesting information using the *ATIPP Act* is not meant to replace the less formal means of obtaining information over the counter. Before you make a formal ATIPP request, be sure you have contacted the public body to obtain the information. It is often the case that you can get the information you want in this informal way, without using the *ATIPP Act* request process. This informal route will often be faster for you and less expensive for public bodies to administer. Use the guide in the back of this booklet or the Yukon government phone directory to contact the public body that has the information you are seeking and ask for it directly from them.

If you have tried this route and are unsuccessful in obtaining the information, you may contact the ATIPP Office in the lower floor of the Main Administration Building in Whitehorse to find out how to submit a formal ATIPP request.

Information on Fees Paid

The *Access to Information Regulation* provides a fee structure which applies to information provided through the formal ATIPP process. Charges are based mainly on time spent searching for records and preparing them for release; however, the *Regulation* provides for the first three hours of search and preparation time to be free of charge. Each additional hour is charged at the rate prescribed in the regulations to the *ATIPP Act*. There is also a nominal per-page photocopying charge. There is no charge to submit an ATIPP request.

What is the role of the ATIPP Office?

The ATIPP Office is part of the department of Highways & Public Works and it assists the minister responsible for the *ATIPP Act* by:

- leading strategic privacy initiatives across government;
- establishing government policy, standards and guidelines on access and privacy issues;
- accepting individual ATIPP requests for all public bodies and coordinating responses to applicants;
- providing services, support and leadership to assist public bodies in complying with the *ATIPP Act;*
- providing input and advice on legislative proposals and reviews; and
- providing access and privacy training

There are currently three staff involved in the activities listed above. These include the Records Manager, who has overall responsibility for the administration of the *Act* across the Yukon government, the ATIPP Act Coordinator and the ATIPP Office Assistant.

ATIPP Office Contact Information

Mailing Address:
Information & Communications Technology
Department of Highways and Public Works
Government of Yukon
Box 2703
Whitehorse, Yukon
Canada Y1A 2C6

Phone: (867) 393-7031
Toll free: In Yukon, dial 1-800-661-0408, local 7031

Fax: (867) 393-6916

Email: atipp@gov.yk.ca

Physical location:
Lower floor, Yukon Government Administration Building
2071-2nd Avenue Whitehorse

National Initiatives

The Records Manager actively participates on a committee of federal, provincial and territorial governments to promote the harmonization of access and privacy legislation and development of consistent policy and guidance for the public sector. Committee members share resources such as best practices and training materials. A web tool has been developed to promote the sharing of key privacy resources between jurisdictions. This tool is publicly available at http://www.privacytoolbox.ca/

Training and Resources

The ATIPP Office is responsible for educating and training Yukon Government employees on the administration of the *ATIPP Act*.

During the year 2007-2008, approximately 160 individuals took the *Introduction to the ATIPP Act* course. In addition, training sessions were offered to program areas within the Departments of Education and of Justice and the Executive Council Office. The Records Manager offers introductory training on information management as part of recurring corporate orientation sessions.

ATIPP Coordinators are provided with training and documentation on how to process and respond to ATIPP requests.

STATISTICS ON ACCESS TO INFORMATION

General Comments on Reporting

This report documents activity related to formal access to information requests. The numbers reported in this document represent different ways of looking at the requests that were received and processed in the ATIPP Office from April 1, 2007 to March 31, 2008 and do not reflect informal requests for information placed by individuals to specific departments during the same period.

Number of Requests Made to the Government of Yukon

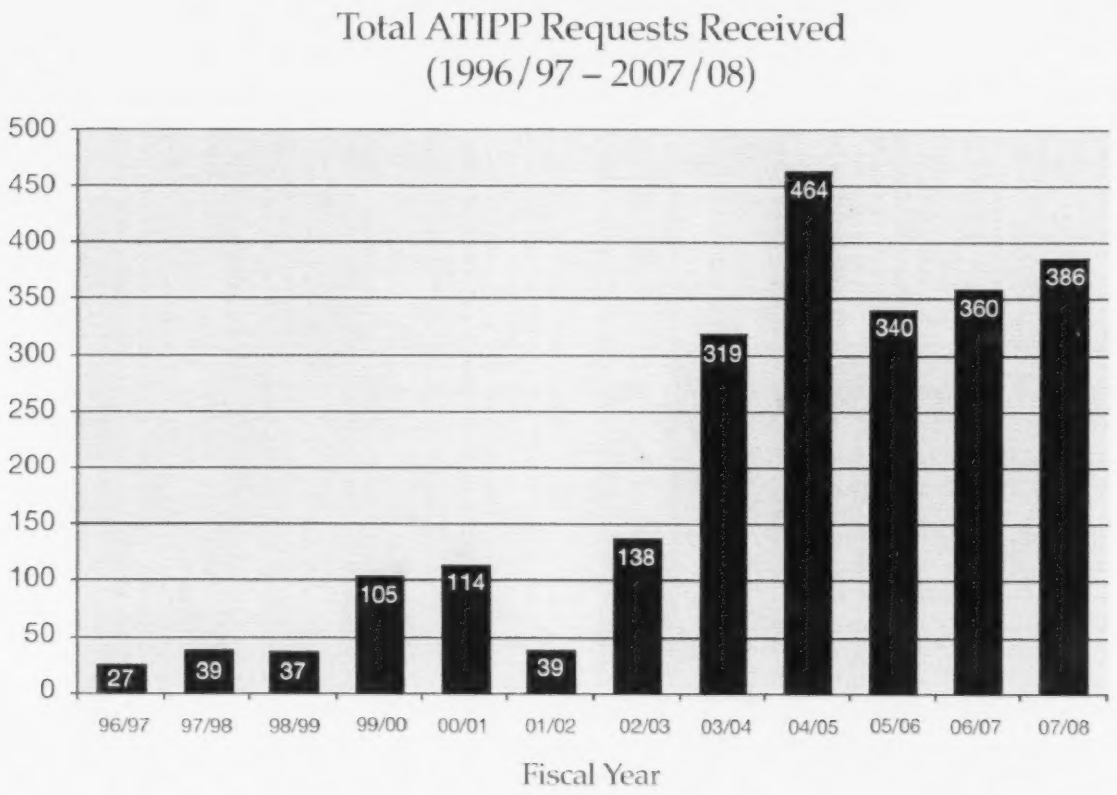
Public bodies often release information to the public informally and are encouraged to do so, at the same time applying the limited exceptions set out in sections 15 to 25 of the *ATIPP Act*. The formal request process is used when information is not available through informal channels or when the public body or the applicant determines it would be preferable to follow the formal process. The formal process provides applicants with the ability to request a review of an access or procedural decision made by the public body or the Records Manager, as well as providing them with a legislated deadline for completion of the request.

A Comparison of Formal and Informal Requests

	Formal Requests	Informal Requests
Deadline	Legislated requirement to provide information within 30 calendar days	Information is provided when it is operationally convenient for the Branch or work unit to compile and review it for release
Right of Review	Applicants may request a review from the Office of the Information and Privacy Commissioner of the department's decision to refuse information	No review rights with the Information and Privacy Commissioner
Costs	Applicants are required to pay per-page charge for photocopying and hourly rate for locating, retrieving, and producing a record and preparing it for disclosure	No charge for informal requests unless there is other legislation that allows for it (e.g. driver's abstract)
Applicability of *ATIPP Act*	The principles of the *ATIPP Act* must be applied to both formal and informal requests	

The following graph shows the number of formal requests received as well as the overall trend since the *Act* came into effect 12 years ago. In the reporting year 2007/08, a total of 386 requests were received by the ATIPP Office. This reflects a 7.2% increase from the previous reporting year.

This table includes requests for correction of personal information received by the Government of Yukon.



Correction of Personal Information

Under s.32 of the *ATIPP Act*, individuals may seek correction of personal information from departments by submitting a formal request for correction, if they believe there is an error or omission in their personal information in those records in the custody or under the control of Yukon government. There were two requests for correction of personal information in the reporting year 2007/08.

Following is a breakdown of the number of requests received by public bodies for the reporting year 2007/08.

Total Requests Received by Public Bodies

(April 1, 2007 – March 31, 2008)

Total = 386

Public Body	Number of Requests	Percentage of Total Requests
Community Services	5	1.3%
Economic Development	0	-
Education	62	16.1%
Energy, Mines and Resources	14	3.6%
Environment	4	1.0%
Executive Council Office	2	0.5%
Finance	4	1.0%
Health and Social Services	129	33.5%
Highways and Public Works	4	1.0%
Justice	98	25.4%
Public Service Commission	5	1.3%
Tourism and Culture *	58	15.0%
Women's Directorate	0	-
Yukon Development Corporation	0	-
Yukon Housing Corporation	1	0.3%
Yukon Liquor Corporation	0	-

** 57 of Tourism and Culture's requests were for personal information held by Yukon Archives; however, there was one request for program information from that department.*

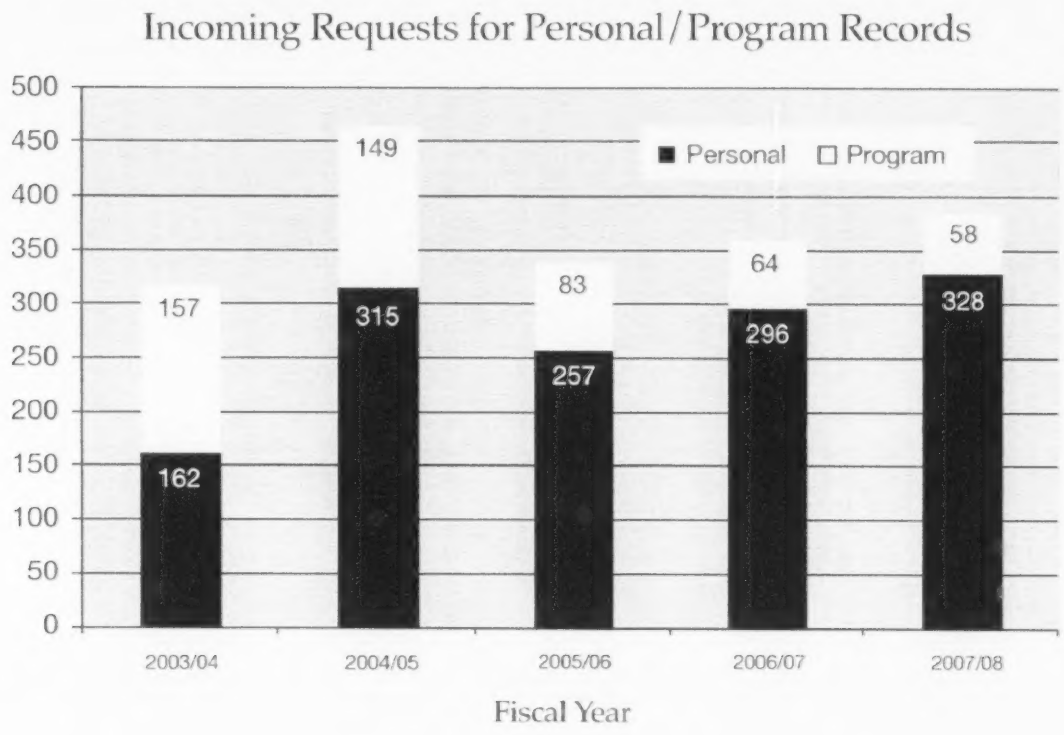
Following is a table showing the number of requests received in the 2007/08 reporting year by the type of applicant placing the request. The most frequent applicants were law firms (70.2%), in most cases seeking personal inforamation on behalf of their clients. Second were members of the public (18.9%).

Types of Applicants

for the past year 2007/08
Total = 386

Type of Applicant	Number of Requests	Percentage of Total Requests
Law Firm	271	70.2%
Public	73	18.9%
Political Party	24	6.2%
Media	18	4.7%
Other Government	0	-
Business	0	-
Interest Group	0	-

Of the requests received in the reporting year 2007/08, 328 (85%) were from individuals or their representatives seeking their personal information, while requests for program information totaled 58 (15%) of the total. Requests for program information have continuously decreased over the past five years, as noted in the table below.



Completed Requests

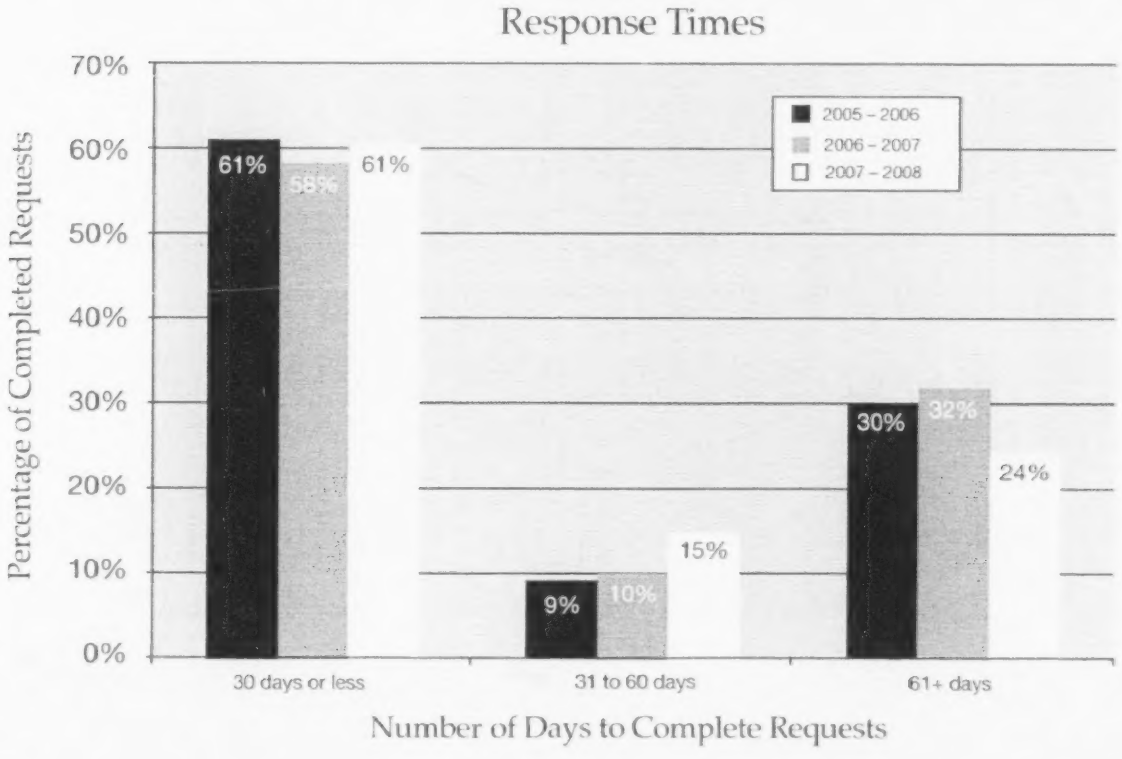
Carried forward as of April 1, 2007	69
New Requests 2007/08	386
Total requests that were open during 2007/08	455
Completed 2007/08	**409**
Carried forward as of March 31, 2008	46

Although the volume of incoming requests remains high, the number of requests carried over into the new fiscal year continues to decrease compared to previous years.

Response Times

Of the 409 requests that were completed in the reporting year 2007/08:

- 248 (61%) were completed within 30 days or less,
- 61 (15%) were completed within 31 to 60 days, and
- 100 (24%) were completed in more than 60 days.



The calculation of the response time does not distinguish between responses that exceed the 30-day time limit because:

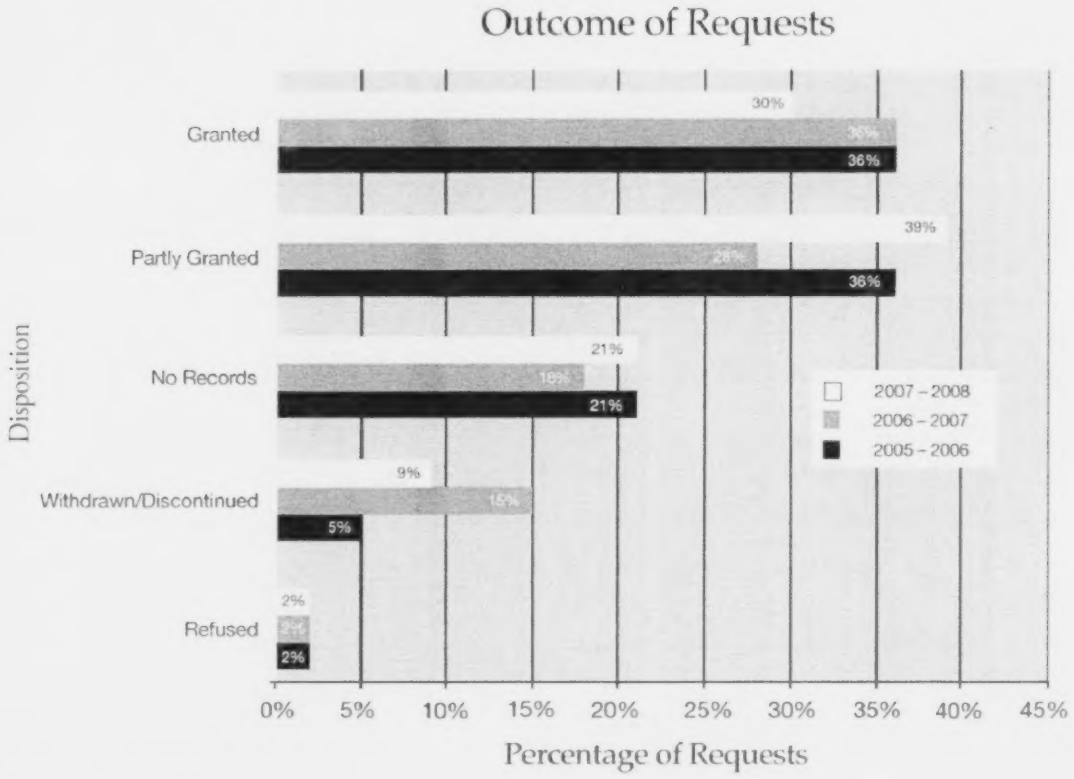
- they are overdue (i.e. the public body has not been able to meet the deadline)
- those that exceed 30 days due to other circumstances, such as requests that have been extended under s.12 of the *ATIPP Act*
- those that are placed on hold pending clarification, authorization of an Estimate of Costs or payment of fees from the applicant.

The response time for completion of access requests is based on "calendar" days and is counted from the date a request is received in the ATIPP Office until the date a final response is mailed to the applicant. Under s.11, the Act requires that the Records Manager must respond no later than 30 calendar days from the date of receipt in the ATIPP Office, unless the time limit is extended under s. 12. The Records Manager may extend the time limit for a reasonable period of time if the request for extension from the public body meets one or more of the following criteria:

a) the applicant has not provided enough detail for the public body to identify the record;
b) large number of records is requested and meeting the time limit would unreasonably interfere with the operations of the public body;
c) the public body needs more time to consult with a third party or another public body before deciding whether to release the record; or
d) a third party asks for a review under s.48.

Access Decisions

Of the 409 requests that were completed in 2007/08, 30% were granted in full. Comparing three years worth of data, percentages are relatively stable.



Why Information was Refused or Partly Granted

Access to information in any record is subject to three mandatory and eight discretionary exceptions to disclosure under the *Access to Information and Protection of Privacy Act*.

When public bodies sever information from a record or refuse access to a record, they must advise the applicant as to which specific section of the *ATIPP Act* was used in making each decision. Typically, this decision is made after a line-by-line analysis of the requested records has been conducted and the severed record is annotated accordingly. If an applicant is dissatisfied with the response of a public body, the *Act* provides for a review by the Information and Privacy Commissioner.

Within a single response, a public body may cite several sections of the *Act* as reasons for refusal of information. The number of times a section is used is not related to the number of requests completed; however, it does provide a clear indication of the reasons for which information is not released.

The following table summarizes the sections of the *Act* that public bodies have cited when records were refused or not completely disclosed.

Reasons for Refusal in Total or in Part

Fiscal Year 2007/08

ATIPP Act Section Number	Exceptions to Disclosures	No. of times where exception was applied
	MANDATORY EXCEPTION	
15	Cabinet confidence	1
24	Disclosure harmful to business interests of a third party	1
25	Disclosure harmful to personal privacy of a third party	532
	DISCRETIONARY EXCEPTION	
16	Policy advice, recommendations, or draft regulations	1
17	Disclosure harmful to the financial of economic interests of a public body	-
18	Legal advice	45
19	Disclosure harmful to law enforcement	49
20	Disclosure harmful to intergovernmental relations or negotiations	2
21	Disclosure harmful to the conservation of heritage sites, etc.	-
22	Disclosure harmful to the individual or public safety	5
23	Information that will be published or released within 90 days	2
	EXCLUSIONS	
2(1)(d)	Record of an examination or test question	7
4	Other legislation paramount	21

Fees

There is no initial fee charged to submit an ATIPP request; however, the *Access to Information Regulation* lists the services and fees public bodies must charge for processing ATIPP requests. These charges may include time spent locating, retrieving and preparing records for disclosure and copying fees.

In 2007-08, a total of $10,917.38 in fees was paid by applicants. Photocopying charges accounted for 52% of the fees received, while 46% was for staffing costs related to preparing the records for release, in excess of three free hours granted to each requestor. 2% was related to other costs, specifically, the cost of providing information in other physical formats.

APPENDIX 1: ATIPP Departmental Coordinators Contact List as of September 2008

CENTRAL CONTACTS

ATIPP OFFICE (Highways and Public Works) E-mail: atipp@gov.yk.ca

Records Manager	Judy Pelchat	PH (867) 667-8211	FAX (867) 393-6919	W-10
ATIPP Act Coordinator	Cassandra Kelly	PH (867) 393-7048	FAX (867) 393-6919	W-10
ATIPP Office Assistant	Judy Carson	PH (867) 393-7031	FAX (867) 393-6919	W-10

Justice

Legislative Counsel (ATIPP)	Sarah Overington	PH (867) 667-5883	FAX (867) 667-5764	J-2

Office of the Information and Privacy Commissioner

Information and Privacy Commissioner (IPC)	Tracy-Anne McPhee	PH (867) 667-8468	FAX (867) 667-8469	O-1
Senior Investigator / Mediator	Catherine Buckler Lyon	PH (867) 667-8468	FAX (867) 667-8469	O-1
Administrative Assistant	Alice Purser	PH (867) 667-8468	FAX (867) 667-8469	O-1

DEPARTMENTAL CONTACTS

Community Services / Yukon Housing Corporation / Yukon Liquor Corporation

Coordinator	Jerry McLachlan	PH (867) 667-8694	FAX (867) 393-6264	C-3
Alternate	Brian Currie	PH (867) 667-8938	FAX (867) 393-6264	C-3

Economic Development

Coordinator	Vacant	PH	FAX	
Alternate	Karen Mason	PH (867) 667-5933	FAX (867) 393-7199	F-1

Education

Coordinator	James McCullough	PH (867) 667-8326	FAX (867) 667-5876	E-1
Alternate	Ann MacDonald	PH (867) 667-8181	FAX (867) 667-5876	E-1

Energy, Mines and Resources

Coordinator	Anne Powers	PH (867) 456-3854	FAX (867) 456-3965	K-345
Alternate	Jenny Whitehouse	PH (867) 667-3097	FAX (867) 456-3965	K-345

Environment

Coordinator	Vicki McCollum	PH (867) 667-5797	FAX (867) 393-7197	V-3A
Alternate	Melanie Lucas	PH (867) 667-3029	FAX (867) 393-6213	V-2

Executive Council Office

Coordinator	Carolyne Thompson	PH (867) 393-7173	FAX (867) 393-6202	A-8
Alternate	Karen Hougen-Bell	PH (867) 667-8201	FAX (867) 393-6202	A-8

Finance

Coordinator	Bill Curtis	PH (867) 667-5276	FAX (867) 393-6217	B-1
Alternate	Chelsea Larouche	PH (867) 667-5343	FAX (867) 393-6217	B-1

Health & Social Services

Coordinator	Jennifer Szakszon	PH (867) 667-5919	FAX (867) 393-6457	H-1
Alternate	Linda Powers	PH (867) 456-3953	FAX (867) 393-6457	H-1

Highways and Public Works

Coordinator	Carol Currie	PH (867) 667-5258	FAX (867) 393-6245	W-3A
Alternate	Sandra Lutner	PH (867) 667-5192	FAX (867) 393-5479	W-3i

Justice

Coordinator	Dan Cable	PH (867) 667-3508	FAX (867) 667-5790	J-1A
ATIPP Contact	Tanya Worobec	PH (867) 667-3033	FAX (867) 667-5790	J-1A

Public Service Commission

Coordinator	Mary Martin	PH (867) 667-8160	FAX (867) 667-6705	Z-1
Alternate	Liz McKee	PH (867) 667-3537	FAX (867) 667-6705	Z-1

Tourism and Culture

Coordinator	Valerie Neufeld	PH (867) 393-6460	FAX (867) 393-6469	L-1
Alternate	Leslie Buchan	PH (867) 667-5321	FAX (867) 393-6253	L-6

Yukon Development Corporation

Coordinator	Vacant	PH	FAX	D-1
Alternate	Vacant	PH	FAX	D-1

LIBRARY AND ARCHIVES CANADA
Bibliothèque et Archives Canada
3 3286 54066021 0

ISSN 1916-0275